

TOWN OF BOW MAR, COLORADO
BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING ON OCTOBER 17, 2011

CALL The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, October 17, 2011, Mayor Rick Pilgrim presiding. The meeting was held at No. 2 Middlefield Road, Columbine Valley, Colorado.

A quorum was declared present at 7:03 p.m.

PRESENT	Mayor	Rick Pilgrim
	Trustees	Merle McKittrick
		John Giese
		Gary Guilford
		Elizabeth Tulloch
		Carrie McLaughlin
		Rick Wilkins - absent
	Attorney	Jack Reutzel, interim Town Attorney
	Clerk/Treasurer	Karen Reutzel
	Police Chief	Bret Cottrell
	BMOI Rep.	Jane Carlson
	Citizens	Andy Kane, Alicia Guerra, Chuck Pratt, Jonathan Bush, Anne Justen, Tom Leonard, Barry Amman, Tom Deats.

Mayor Pilgrim led the group in the Pledge of Allegiance.

Public Hearing – The Public Hearing on the Proposed King Estates at Bow Mar Preliminary Plat Application was continued indefinitely at the request of the Applicant while they pursue the possible sale of the property to a private party. Mayor Pilgrim explained to those attending that a private party had contracted to purchase the property and requested that attendees leave their names and contact information so the Town could notify them if the plat application was formally withdrawn.

Variance Request – Building Commissioner Elizabeth Tulloch introduced a request for 10 foot variance to locate a garden shed 30 feet from the rear property line at 5400 Sunset Drive (Kane residence). ACC has approved the plan. Mr. Kane reported that the location is unobtrusive and shielded from view at the bottom portion of the driveway. The only neighbor who could see the shed (Guerra) has signed off on the plan. The 10 x 12 proposed shed will match the house in color. A public hearing on the variance request will be held in November after posting of the property and publication of the request in the Bulletin.

Public Comment – Three residents (Chuck Pratt, Alicia Guerra and Jonathan Bush) attended in support of chickens in Bow Mar. Mr. Bush asked that the Trustees keep in mind the positive experience with chickens on the Jefferson County side of Town. Another explained that chickens are domesticated, not wild animals and spoke against neighbor veto power in any proposed ordinance. He also requested that fees for chicken owners be reasonable.

Anne Justen attended to express her support of the road bond. She urged everyone to familiarize themselves with the plan and to get the facts. She explained that the proposal fixes the Town's roads, ditches and culverts and does not have a negative impact on any homeowner's property.

Tom Leonard spoke about enforcement issues – specifically the impact of solar panels installed on a neighbor's property to his home and the need for enforcement under Chapter 16 (Zoning code – accessory structures). He also discussed the problems when Chapter 7 (Animals) is not enforced and showed pictures of the impacts to his property.

Barry Amman spoke to the importance of having good strong ordinances. He wants to make sure that what is done with proposed amendments to the ordinances helps to maintain the quality of the neighborhood for everyone and that the resulting ordinances be enforceable.

Tom Deats stated that if chickens are to be allowed in Town adjoining neighbors shouldn't be able to see, smell or hear chickens. He stated that if our ordinances are evenly and objectively enforced we should be able to live with chickens.

Commissioner Reports

Public Safety - Commissioner Gary Guilford and Police Chief Bret Cottrell reported that there were 48 citations issued during the month of September including 14 s in Bow Mar and 22 calls for service. There was no matter of significance to report. He noted that a neighbor had alerted them that directional striping was needed at the Sheridan traffic circle and Commissioner McKittrick reported it would be taken care of in the new road budget cycle.

Finance Commissioner John Giese reported on the Town's financials after conclusion of the 3rd Quarter of 2011. Total assets are \$248,267 vs. \$209,810; year to date revenue is at 91% of budget; total expenses are at 73% of budget; public safety 74%, parks and rec 55%, public works 81%; operating surplus is \$54,169, net non-recurring income \$44,609, for a net surplus year to date of \$98,778. The Board approved the September financials. Guilford/McKittrick/Unanimous.

Building Commissioner Elizabeth Tulloch reported that several large projects have been approved by ACC and will be commenced in the coming months including one new house and several major remodels.

Parks & Recreation Commissioner Carrie McLaughlin reported that we are getting to the end of the season for maintenance work. The new Berry entrance sign will be installed in the next week or so.

Public Works Commissioner Merle McKittrick reported that three roadway patches were completed and that all road work has been completed for the year. He noted there was a portion of road that was forgotten during a recent crack sealing project and the contractor is returning to repair it.

Intergovernmental Commissioner Rick Wilkins was absent. Ann Pitinga has agreed to serve as a Senior ombudsman to help local seniors be matched up with available state and local services.

Clerk Comments Town Clerk Karen Reutzel noted that the next Regular Meeting will be held November 21, 2011. She reported that the Town had now met all election deadlines with Jefferson and Arapahoe Counties, so all further election functions will be performed by the Counties on the Town's behalf.

Attorney Comments Interim Town Attorney Jack Reutzel had no comments.

Mayor's Report Mayor Pilgrim had no report.

BMOI Report BMOI President Jane Carlson reported that the Nominating committee had identified three people interested in running for the open BMOI seats. There was one new BMOI member family this month. She explained that the annual meeting would be held on Wednesday November 9th, so as not to conflict with the Cottrell family fundraiser being held on Thursday, November 9th. She reported that a big windstorm a few weeks ago blew many of the canoes off the new canoe racks and need to be re-stowed and wrapped onto the new racks. BMOI is working on a fix to prevent it from happening again. She requested that the Town assist BMOI with the cost of publishing the Bulletin which has become significantly more expensive to print in the last few years. She requested a Town contribution of \$1,500.

Old Business

First Reading and Discussion regarding Proposed Amendments to Ordinances to Permit Keeping of Live Chickens at Residential Properties in Town -

Mayor Pilgrim introduced the discussion by stressing that Bow Mar has traditionally had a minimum level of government and a minimum amount of taxes. Therefore our heritage has been to deal with things in a neighborly process. He explained that the Town has received the assistance of consultant Barb Cole and land use attorney Jack Reutzel in drafting the proposed amendments. Ms. Cole prepared two options for amending the ordinances to allow chickens for the Trustees' consideration.

Ms. Cole explained that the first option was to amend only Chapter 7 of the Town Code which deals with Health, Safety and Animals. The second option was to amend both

Chapter 7 and Chapter 16 (Zoning Code) to provide the location requirements of housing chickens in Chapter 16. The Board determined that they preferred the simpler solution and that all of the necessary amendments should be embodied in Chapter 7. As a clean-up measure, Ms. Cole suggested that Chapter 16 should be amended to update the “shielded from view” requirement for accessory structures to be “substantially shielded” which is more practical for the Town than the previous version.

After some discussion and revision, the clean-up amendment to Chapter 16 and the amendment to Chapter 7 to allow the keeping chicken hens were determined to be the best options for the Board’s consideration. A motion was made and approved to introduce the proposed amendment to Chapter 16 amending the “shielded from view” language. Guilford/Giese/Unanimous. A first reading of the proposed ordinance was conducted.

A motion was made and approved to introduce the proposed amendment to Chapter 7 to allow the keeping of chicken-hens. Guilford/McKittrick/Unanimous. A first reading of the proposed ordinance was conducted.

Both proposed ordinances will be posted to the website and noticed for public hearing at the November 21 meeting. Public comment on the proposed amendments will be taken at that time. If passed, the ordinances would take effect 30 days after approval. It was noted that amendments to Chapter 16 require a super-majority vote of the Board to pass.

It was also discussed that if the Chapter 7 amendment is approved, further procedures will need to be adopted by the Board to spell out the permitting process and enforcement procedures. Mayor Pilgrim will draft an initial set for review.

Resident Ann Justen expressed concern about the inclusion of a neighbor veto provision in the proposed amendment to Chapter 7 and the proposed Board of Adjustment process. It was noted that currently the Board of Trustees serves as the Board of Adjustment if necessary, but a separate Board of Adjustment could be appointed under the Municipal Code.

2012 Budget Worksheet –

Commissioner John Giese reported that BMOI had requested a \$1,500 contribution from the Town to help defray the cost of printing the Bulletin, a proposed expense which he has added to the General Government expense budget. President Carlson reported the cost of printing has gone up nearly 50% in recent years. Commissioner McLaughlin suggested that perhaps more information could go on the website rather than printed on paper to reduce costs. Nevertheless, the Board was in general agreement to contribute to the Bulletin printing expense

A further budget area is the re-codification of the Town ordinances which has not occurred since 1995. Funds are required to incorporate ordinances adopted since that time into the Town Code and to update and reconcile the existing ordinances. The Board

discussed allocating \$5,000 for re-codification process plus another \$20,000 for re-writing and updating the ordinances.

Mayor Pilgrim noted that a separate budget would be required for a road plan if the bond issue is approved at the November election.

The final budget must be approved no later than December 15 to meet state requirements.

New Business

Draft Road Bond Action Plan -

Mayor Pilgrim explained that if the Town electorate approves the bond issue for the road project, the Board will have to move very quickly to accomplish the construction and financial steps that must occur to get the project underway.

Design/Construction Phase - The Town Engineer has advised the Board that it be prepared to seek bids from the construction industry in January to receive the best paving prices. Mayor Pilgrim outlined the steps as follows – the Board would ask the Town Engineers to give a proposal as to what they would propose to do in the 1st year consistent with the Road Plan. A contract/task order should be ready for approval at the November 21 meeting so that they could be ready to go to bid in January, with construction commencing as early as April 1 (weather permitting), with construction for the first phase completed in mid-June. At the recommendation of the Mayor and the Engineer, the Board may also want to impanel a construction management committee, who would assist the Board review plans on which roads to do first, review road closure plans, ensure adjoining property impacts are limited and the like.

Financial Phase – Resident and municipal finance expert Steve Clark prepared a memo on the financial steps that would be required. The Town would need to determine whether it was going to issue bonds or take the funds from banks in the form of revolving loans. It was explained that the bank loan option probably provides the Town with the most flexibility and the costs of borrowing would be lower. Under either option, underwriters or banks would need to be interviewed shortly after the election so that the funding could be put in place by the end of the year.

It was determined that the Board should schedule a study session to discuss the construction and financing issues immediately after the election if the bond issue passes. The time and date of the study session are still to be determined but will be posted on the web site.

Adjournment There being no further business the meeting was adjourned at 9:41 p.m. Giese/Tulloch/Unanimous. The next Regular Meeting is scheduled for November 21, 2011 at No. 2 Middlefield Road, Columbine Valley, CO. The meeting will begin at 7:00 p.m.



Richard D. Pilgrim, Mayor



Karen V. Reutzel, Town Clerk and Treasurer